



~~September 16, 2003 CPC~~

~~January 20, 2004 CPC~~

~~March 16, 2004 CPC~~

April 28, 2004 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

03SN0330

Cross Over Ministry, Inc.

Bermuda Magisterial District  
2619 Sherbourne Road

**REQUEST:** Conditional Use to permit a medical clinic in a Residential (R-7) District.

**PROPOSED LAND USE:**

Continued operation of a medical clinic within a church structure is planned. The use has been operating for a number of years without the requisite zoning. The applicant seeks to bring the use into conformance with the Zoning Ordinance.

**PLANNING COMMISSION RECOMMENDATION**

RECOMMEND APPROVAL SUBJECT TO THE CONDITIONS ON PAGE 2.

AYES: MESSRS. BASS, GECKER, GULLEY AND LITTON.

ABSENT: MR. WILSON.

**STAFF RECOMMENDATION**

Recommend approval for the following reasons:

- A. While the use does not conform to the Jefferson Davis Corridor Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre, the location within a church structure and on the fringe of the suggested residential area, minimizes the impact on area residential development.
- B. The recommended conditions further address any possible impacts the use may have on area development.

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(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

### CONDITIONS

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|-------------|----|---|
| (STAFF/CPC) | 1. | Any medical clinic shall only be permitted so long as a church operates on the property. (P)  |
| (CPC)       | 2. | This Conditional Use shall be granted for a period not to exceed two (2) years from the date of approval. (P)   |
| (CPC)       | 3. | Any medical clinic use shall only be open to the public no more than three (3) days per week, from 9:00 AM to 4:00 PM. There shall be no Saturday or Sunday operations. (P) |
| (CPC)       | 4. | Any controlled substances such as prescriptions, needles and narcotics shall be placed in a secured cabinet when the medical clinic is not open to the public. (P)          |
| (CPC)       | 5. | Signs shall be posted on the property prohibiting loitering. (P)  |
| (CPC)       | 6. | Any medical clinic shall be located within the basement of the church structure. (P)  |
| (CPC)       | 7. | Persons using the clinic shall enter and exit the facility on the east side of the building. (P)  |
| (CPC)       | 8. | Any solid waste storage area shall be located a minimum of 100 feet from adjacent residentially zoned properties and shall be screened by a solid wall or fence. (P)        |

### GENERAL INFORMATION

#### Location:

South line of Sherbourne Road and known as 2619 Sherbourne Road. Tax ID 790-683-4329 (Sheet 12).

#### Existing Zoning:

R-7

Size:

1.0 acre

Existing Land Use:

Church

Adjacent Zoning and Land Use:

North - R-7 and C-3; Single family residential or vacant

South - R-7; Vacant

East - C-3 and C-5; Commercial or vacant

West - R-7; Single family residential

UTILITIES

Public Water System:

There is an eight (8) inch water line along the south side of Sherbourne Road, adjacent to this site. The existing church facility is connected to the public water system. Use of the public water system is required by County Code.

Public Wastewater System:

There is an eight (8) inch wastewater collector extending along a portion of Sherbourne Road, adjacent to this site. The existing church facility is connected to the public wastewater system. Use of the public wastewater system is required by County Code.

ENVIRONMENTAL

Drainage and Erosion:

This request will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Bensley Fire/Rescue Station, Company Number 3, currently provides fire protection and emergency medical service (EMS). This request will have minimal impact on fire and EMS service.

### Transportation:

The property (1.0 acre) is zoned Residential (R-7) and a church (Sherbourne Methodist Church) has been developed on the property. The applicant is requesting a Conditional Use to permit a medical clinic to operate on the property, and intends to use the basement of the existing church. Traffic generated by this use will be distributed, via Sherbourne Road, to Jefferson Davis Highway (Route 1/301), which had a 2003 traffic count of 26,422 average daily trips.

Parts of Sherbourne Road in the vicinity of the property and Route 1/301 are within the Jefferson Davis Highway Enterprise Zone. Based on the Board of Supervisors' policy regarding development within the Enterprise Zone, road improvements will not be required by the County. Road improvements may be required by the Virginia Department of Transportation.

### LAND USE

#### Comprehensive Plan:

Lies within the boundaries of the Jefferson Davis Corridor Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 dwelling units per acre.

#### Area Development Trends:

Adjacent properties to the east and a portion of adjacent properties to the north are zoned for commercial uses and have been developed for such uses or remain vacant. Remaining adjacent property to the north, as well as adjacent property to the south and west is zoned and developed for residential uses or is vacant. It is anticipated that area properties will eventually be developed for community commercial uses east of the subject property, along the Jefferson Davis Highway frontage. The Plan anticipates remaining area properties to continue to develop for residential uses.

#### Uses:

A medical clinic, which is intended to provide medical services to the needy is planned. A church is currently located on the property. The medical clinic is to be located in the basement of the church structure. Conditions 1 and 2 are intended to minimize the impact the medical clinic may have on area residential development, by allowing such use so long as a church operates on the site and only within structures occupied by church uses. These conditions would not allow a freestanding medical clinic on the property.

### CONCLUSIONS

While the use does not conform to the Jefferson Davis Corridor Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre, the location within a church structure and

on the fringe of the suggested residential area, minimizes any adverse impact on area residential development. The recommended conditions further address any possible adverse impacts the use may have on area development.

Given these considerations, approval of this request is recommended.

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## CASE HISTORY

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### Planning Commission Meeting (9/17/03):

At the request of the applicant, the Commission deferred this case until January 20, 2004.

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### Staff (9/23/03):

The applicant was advised in writing that any new or revised information should be submitted no later than November 17, 2003, for consideration at the Commission's January 20, 2004, public hearing. Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

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### Applicant (10/7/03):

The \$130.00 deferral fee was paid.

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### Staff (12/10/03):

To date, no additional information has been received.

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### Planning Commission Meeting (1/20/04):

On their own motion, the Commission deferred this case to March 16, 2004.

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### Staff (2/18/04):

The applicant was advised in writing that any significant new or revised information should be submitted no later than January 26, 2004, for consideration at the Commission's March 16, 2004, public hearing.

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Applicant, Area Citizens, Staff and Dale District Commissioner (2/26/04):

A meeting was held to discuss this case. Concerns were expressed relative to the service area, number of patients anticipated, the need for the use and the anticipated impact on the area.

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Planning Commission Meeting (3/16/04):

The applicant accepted the recommendation. There was opposition present. Concerns were expressed relative to increased traffic; duplication of services provided by the County; increased crime; setting a precedent for other inappropriate uses in churches; lack of sidewalks; medical waste; location of use in relation to residential area; and days and hours of operation. It was indicated that if the use were approved then certain conditions should be imposed to minimize the impact on area residential development.

Mr. Litton noted that while it is a difficult case, the clinic provides a good and needed service. He indicated it is commercial encroachment into a residential neighborhood. He also indicated an effort is ongoing to find an alternative location for the clinic. He suggested approval of a limited time and introduced a number of conditions.

There was general consensus that the use provides a needed service; however, the use is not compatible with area residential uses. The Commission indicated that it would be appropriate to allow the use to operate for a limited time while a more appropriate location is being sought.

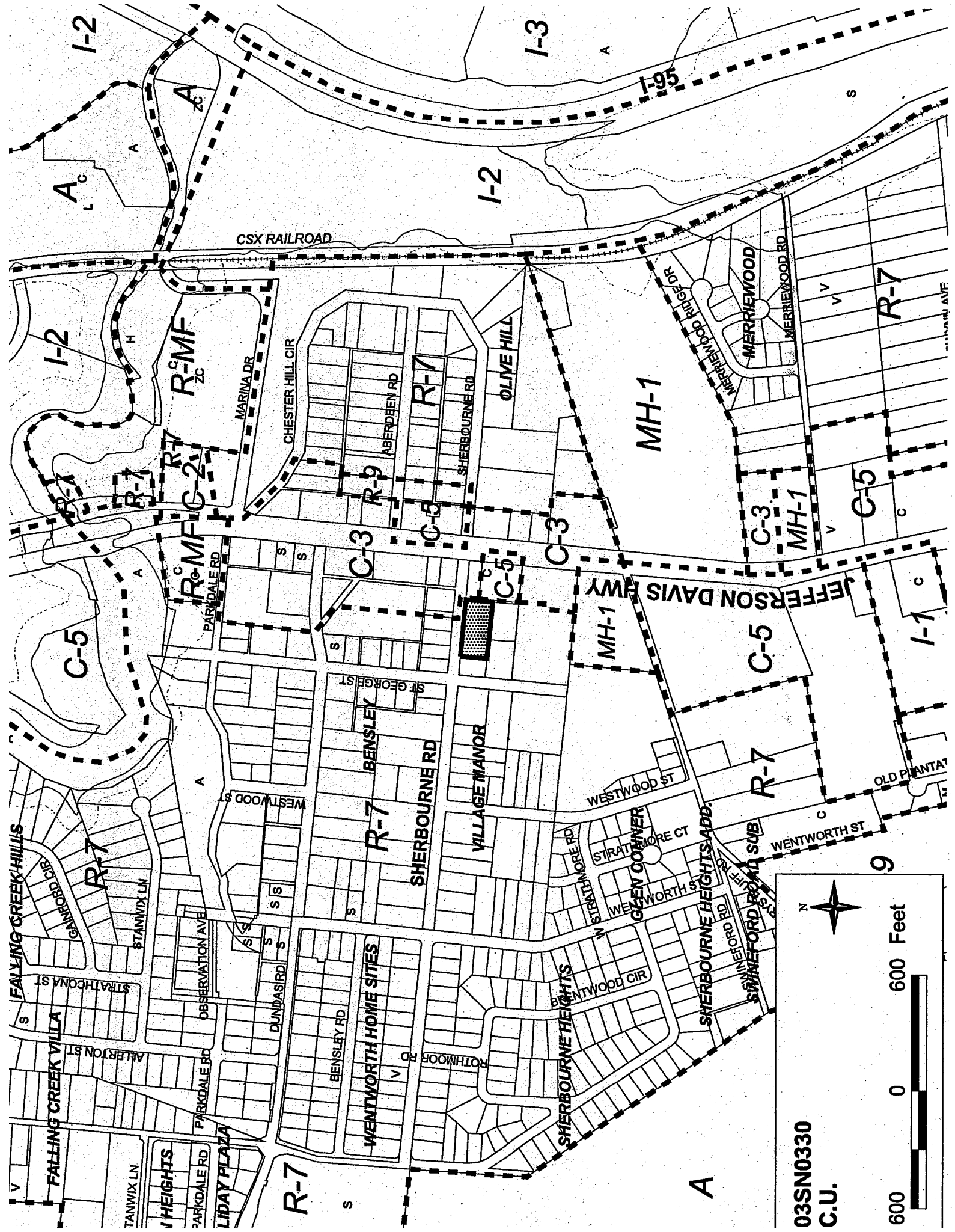
On motion of Mr. Litton, seconded by Mr. Bass, the Commission recommended approval subject to the conditions on page 2.

AYES: Messrs. Bass, Gecker, Gulley and Litton.

ABSENT: Mr. Wilson.

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The Board of Supervisors, on Wednesday, April 28, 2004, beginning at 7:00 p.m., will take under consideration this request.



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